IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 31346 of 2004(F)

PETITIONER:

G.RADHAMANI, HEADMISTRESS,
A.M.L.P.SCHOOL, MOOLAD, KOZHIKODE.

BY ADV. SRI.R.K.MURALEEDHARAN
SMT.S.LAKSHMY

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY TO FINANCE DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE.

3. THE ASSISTANT EDUCATIONAL OFFICER, PERAMBRA.

BY GOVERNMENT PLEADER SRI. K.V.MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 31346/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE OBJECTION BY THE R2 DT. 16/12/02.

EXT.P2. COPY OF THE JUDGMENT IN OP NO. 1257/03 DT. 25/3/04.

EXT.P3. COPY OF THE ORDER OF THE R1 DT. 4/08/04.

EXT.P4. COPY OF THE ORDER IN GO P NO. 206/03/FIN DT. 5/4/03.

EXT.P5. COPY OF THE ORDER NO. A5. 5458/02 DT. 21/10/04 OF THE R3 SIGNED ON 25/10/04.

RESPONDENT'S EXHIBITS

EXT.R1A. COPY OF THE GO P NO. 101/80/167/FIND T. 30/1/80.

True copy

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KURIAN JOSEPH J.

W.P.(C) No.31346 of 2004

Dated 6th July, 2007.

J U D G M E N T

In the matter of re-option as per G.O.(P)399/99 dated 5.2.1999, it is now settled law that the option exercised in terms of the said Government Order is in order, since the same was the prevailing order at the relevant time. As far as the date of the reoption also, in view of the judgment reported in **State of Kerala v. Lissy Joseph** (2005(4) KLT SN 97), the petitioner is entitled to succeed. The impugned orders are hence quashed. The petitioner shall be paid her eligible benefits within two months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 6th July, 2007.